



EMERGENCY ORDER NO. 2022-07

**ORDER RELATING TO THE TEMPORARY SUSPENSION OF WATER AND WASTEWATER
LATE PAYMENT FEES AND SHUTOFFS AND
BACKFLOW PREVENTER TESTING AND REPLACEMENT DEADLINES**

WHEREAS, on September 23, 2022, Florida Governor Ron DeSantis issued Executive Order Number 22-218, declaring a state of emergency in Brevard, Broward, Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Hillsborough, Indian River, Lee, Manatee, Martin, Miami Dade, Monroe, Okeechobee, Osceola, Palm Beach, Pasco, Pinellas, Polk, Sarasota, and St. Lucie Counties; and

WHEREAS, on September 24, 2022, Governor DeSantis issued Executive Order Number 22-219, amending Executive Order Number 22-218 to declare a state of emergency in the entire State of Florida; and

WHEREAS, Florida Statutes Section 252.38(3)(a) gives authority to public subdivisions to declare and enact a state of local emergency for a period of up to seven (7) days and to take certain measures that are in the interest of the public health, safety, and welfare; and

WHEREAS, on September 25, 2022, the City Commission of the City of North Port, Florida adopted Ordinance No. 2022-30, declaring a state of local emergency due to Hurricane Ian; and

WHEREAS, Ordinance No. 2022-30 conferred on the City Manager or designee the power and authority set forth in Florida Statutes Section 252.38(3)(a); and

WHEREAS, pursuant to Florida Statutes Section 252.46, the City Manager has the power to issue emergency orders with the force of the law; and

WHEREAS, Section 78-24 of the Code of the City of North Port, Florida provides general terms and conditions regarding water and wastewater services. This section assesses late fees and delinquent processing fees, and provides that the City may withhold or discontinue service when payment on an account is delinquent; and

WHEREAS, Section 78-36 of the Code of the City of North Port, Florida provides for the adoption of late payment fees and Appendix A enumerates specific fees associated with delinquent accounts; and

WHEREAS, Section 78-129(f) of the Code of the City of North Port, Florida requires biennial residential backflow preventer testing; and

WHEREAS, Section 78-129(g) of the Code of the City of North Port, Florida requires quinquennial replacement of residential non-testable dual check backflow prevention devices by the replacement due date; and

WHEREAS, many City residents have been impacted financially by this emergency; and

WHEREAS, allowing a temporary suspension of late fees, delinquent processing fees, shutoff of utility service, and backflow preventer testing and replacement will protect the health and safety of residents, and benefit businesses, thereby benefitting the local economy and the public; and

WHEREAS, this order is necessary for emergency management purposes and to ensure the health, safety, and welfare of the community.

THEREFORE, IN HIS EMERGENCY AUTHORITY, THE CITY MANAGER OF THE CITY OF NORTH PORT, FLORIDA ORDERS:

1. Fees Waived. The following fees are temporarily waived beginning September 26, 2022 for water and wastewater services:
 - a. Late payment fees;
 - b. Delinquency processing fees; and
 - c. Delinquency service fees.
2. Water Shutoff Suspended. The City will temporarily suspend the withholding and discontinuation of water and wastewater services for accounts eligible to be charged late and/or delinquent processing fees beginning September 28, 2022. For all accounts, bills will not become delinquent until thirty (30) days following the expiration of this order.
3. Residential Backflow Testing. The testing due date is extended for 30 days for residential customers whose backflow preventer device biennial testing due date falls during the month of October 2022.
4. Residential Backflow Replacement. The replacement due date is extended for 30 days for residential customers whose quinquennial replacement of non-testable dual check backflow preventer devices due date falls during the month of October 2022.
5. This order does not operate to waive, release, or in any other way affect the City's existing utility liens.
6. This order does not suspend or waive any other regulations related to utilities fees, utilities shutoffs, backflow testing or replacement, or any other aspects of utilities, including other provisions of Chapter 78 of the Code of the City of North Port, Florida.
7. To the extent this order conflicts with any provision of the Code of the City of North Port, Florida, this order controls.

This order is effective immediately. Unless otherwise terminated, this order expires simultaneously with the expiration of the state of local emergency.

ORDERED ON AND FILED WITH THE CLERK OF THE CITY OF NORTH PORT, FLORIDA ON OCTOBER 13th, 2022
AT 3:49 A.M./P.M. BY



A. JEROME FLETCHER II, ICMA-CM, MPA
CITY MANAGER

